

APR 12 2023

IN THE UNITED STATES DISTRICT COURT  
 FOR THE WESTERN DISTRICT OF VIRGINIA  
 ROANOKE DIVISION

LAURA A. AUSTIN, CLERK  
 BY: asla  
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TERESA GAIL HIGGINBOTHAM, )  
 )  
 Plaintiff, ) Case No. 7:23-cv-065  
 v. )  
 )  
 SODEXO AMERICA, LLC, D/B/A ) By: Michael F. Urbanski  
 SODEXO USA, and HCA LEWIS ) Chief United States District Judge  
 GALE HOSPITAL, INC., )  
 )  
 Defendants. )  
 )

**ORDER**

Plaintiff Teresa Higginbotham filed her complaint on January 27, 2023, naming Sodexo America, LLC, d/b/a Sodexo USA, and HCA Lewis Gale Hospital, Inc. as defendants. ECF No. 1. Defendants moved to dismiss on March 24, 2023, arguing that Higginbotham had failed to properly name the defendants. ECF No. 11. Defendants state that the proper defendants in this action are SDH Services West, LLC, a wholly owned subsidiary of Sodexo, Inc., and Lewis-Gale Medical Center, LLC, a wholly owned subsidiary of Lewis-Gale Hospital, Inc. ECF No. 12.

On April 7, 2023, Higginbotham moved for an extension of time to file her opposition to defendants' motion to dismiss, ECF No. 14, explaining that her counsel was waiting for a response from defendants correcting their apparent misnomer in the pleadings. On the same day, Higginbotham filed her brief in opposition to the motion to dismiss, ECF No. 15, arguing that the motion to dismiss should be denied or, in the alternative, leave to file an amended complaint under Federal Rule of Civil Procedure 15 should be granted.

Higginbotham's request for leave to file an amended complaint, ECF No. 15, is **GRANTED** and she is **DIRECTED** to do so within thirty (30) days. Her motion for an extension of time to respond to the motion to dismiss, ECF No. 14, is **DENIED**. Defendants' Motion to Dismiss, ECF No. 11, is **DENIED**, though defendants may renew such motion at a later date.

It is so **ORDERED**.

Entered: April 11, 2023



Michael F. Urbanski  
Chief United States District Judge